

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>(1) JOHN ORTIZ,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. CIV-24-1096-PRW</b>
	)	
<b>(2) CAMPING WORLD RV SALES,</b>	)	<b>(Removed from the District</b>
<b>LLC d/b/a RVs.com,</b>	)	<b>Court of Oklahoma County</b>
<b>(3) JAYCO OF OKLAHOMA CITY and</b>	)	<b>Case No. CJ-2024-6277)</b>
<b>(4) JAYCO, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF REMOVAL**

Defendant Jayco, Inc., (“Defendant”) hereby removes this lawsuit, currently before the District Court of Oklahoma County, State of Oklahoma and captioned as above, case number CJ-2024-6277. In support of this removal, Jayco states as follows:

1. On September 30, 2024, Plaintiff John Ortiz, (“Plaintiff”), filed a Petition (the “Petition”) in Case No. CJ-2024-6277 in the District Court of Oklahoma County, State of Oklahoma (the “State Court Action”).

2. Plaintiff has asserted a claim under the Magnuson-Moss Warranty Act, conferring federal question jurisdiction upon this Court.

3. Pursuant to 28 U.S.C. §1441(c), all otherwise non-removable claims may be removed and determined by this Court.

4. A copy of all process, pleadings and orders served on Jayco in the state court action, as well as a copy of the state court docket sheet, pursuant to Western District of Oklahoma Local Rule 81.2(a), are attached as Exhibits 1 through 4.

5. Jayco was served with summons and Plaintiff's Original Petition on or about October 5, 2024. Accordingly, this Notice of Removal is filed within thirty days after receipt by Jayco of Plaintiff's initial pleading. Thus, removal of the state court action to this Court is timely and satisfies the requirements of 28 U.S.C. § 1446(b).

6. All defendants have consented to removal of this action as required by 28 U.S.C. § 1446(b)(2)(A).<sup>1</sup>

7. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be promptly provided to all adverse parties through their counsel of record.

8. Jayco will promptly file a copy of this Notice of Removal with the Clerk of the District Court of Oklahoma County, Oklahoma, where the State Court Action was pending, as required by 28 U.S.C. § 1446(d).

9. By removing this action to this Court, the Defendants do not waive any defenses, objections, or motions under state or federal law.

### **CONCLUSION**

For these reasons, Defendant Jayco removes the State Court Action to the United States District Court for the Western District of Oklahoma, in accordance with 28 U.S.C. §§ 1441 and 1446 and Western District of Oklahoma Local Rule 81.2. Defendant

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<sup>1</sup> Defendant Camping World RV Sales, LLC d/b/a RVs.com and Jayco of Oklahoma City are not properly named. "RVs.com" is not the correct DBA. There is no entity named "Jayco of Oklahoma City". The correct party defendant name should be "Camping World RV Sales, LLC d/b/a Jayco Oklahoma City". "Camping World RV Sales, LLC d/b/a Jayco Oklahoma City" consents to the removal of this action.

respectfully requests that this Court assume jurisdiction over this action, that all further proceedings in the State Court Action be stayed.

Dated: October 21, 2024.

Respectfully submitted,

**MCDANIEL ACORD, PLLC**

/s/: Benjamin Saunier  
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**COUNSEL FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I certify that on October 21, 2024, I deposited a true and accurate copy of the foregoing instrument with the United States Postal Service, proper postage paid, to the following counsel of record:

Louis M. Green, OBA #12682  
325 Dean A McGee Avenue  
Oklahoma City, OK 73102-3401  
**Attorney for Plaintiff**

By: /s/ Benjamin Saunier